



BALLOTPEDIA EXPEDITIONS

JUDICIAL DEFERENCE

Go Deeper: Statutory Interpretation and the Balance of Power in the Administrative State by Cynthia R. Farina

After reading “Statutory Interpretation and the Balance of Power in the Administrative State” by Cynthia Farina, consider the following questions:

- What are the appropriate roles of courts and agencies in the administrative state?
- Should deference ever be granted to agencies? How much?
- Deference is often given to agency interpretations. What about the laws requires agencies to have to interpret them?
- One of the defenses of deference is that agencies are more accountable than judges. Do you agree or disagree? Why?
- Who is more responsible for the current state of deference to agency interpretations: Congress or the courts?